

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

GIRAFA.COM, INC.,

Plaintiff,

v.

AMAZON WEB SERVICES LLC;  
AMAZON.COM, INC., ALEXA  
INTERNET, INC., IAC SEARCH &  
MEDIA, INC., SNAP TECHNOLOGIES,  
INC., YAHOO! INC., SMARTDEVIL,  
INC., and EXALEAD S.A., EXALEAD,  
INC.,

Defendants.

C.A. NO. 07-787 (SLR)

DEMAND FOR JURY TRIAL

**STIPULATION AND PROPOSED ORDER**

WHEREAS, on December 5, 2007 GIRAFA.COM, INC. ("GIRAFA") alleged in its Complaint against IAC SEARCH & MEDIA, INC. ("IACSAM") that IACSAM willfully infringed U.S. Patent No. 6,864,904.

WHEREAS, on January 15, 2008 IACSAM answered the Complaint in its "Answer to Girafa.com's Complaint for Patent Infringement, Affirmative Defenses, and Counterclaims" ("Answer") raising various affirmative defenses, and alleged two Counterclaims against GIRAFA, requesting a declaration of non-infringement and a declaration of invalidity and/or unenforceability of the '904 patent for failure to satisfy one or more of the conditions of patentability, including inequitable conduct.

WHEREAS, after a meet and confer process regarding GIRAFA's willfulness allegation ("GIRAFA's willfulness allegation") and IACSAM's second affirmative defense, and second counterclaim which include allegations of inequitable conduct ("IACSAM's inequitable conduct allegations"), the respective parties have agreed to withdraw and dismiss GIRAFA's willfulness

allegation and IACSAM's inequitable conduct allegations, and only these allegations, with prejudice.

WHEREAS all other claims, allegations and counterclaims between and amongst GIRAFA and IACSAM remain in full force including the remainder of IACSAM's counterclaims including IACSAM's other claims or allegations of noninfringement, invalidity, and unenforceability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between GIRAFA, on the one hand, and IACSAM, on the other hand, through their respective counsel of record, in accordance with Federal Rule of Civil Procedure 41, as follows:

1. GIRAFA shall withdraw its allegation of willful infringement against IACSAM as alleged in GIRAFA'S Complaint dated December 5, 2007, for all purposes and such allegation of willful infringement is hereby withdrawn and dismissed with prejudice, with GIRAFA retaining no right to appeal.

2. IACSAM shall withdraw its allegation of inequitable conduct against GIRAFA as alleged in IACSAM'S second affirmative defense and second counterclaim, contained within its Answer dated January 15, 2008, for all purposes and such allegations of inequitable conduct are hereby withdrawn and dismissed with prejudice, with IACSAM retaining no right to appeal, it being expressly understood that nothing herein represents withdrawal of IACSAM's other allegations, counterclaims or defenses of noninfringement, invalidity, or unenforceability.

3. Each party shall bear its own costs and fees on these withdrawn or dismissed allegations or claims.

4. This Stipulation may not be used by any party for any purpose except to seek and obtain dismissal of the claims identified above.

/s/ Tiffany Geyer Lydon

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IT IS SO ORDERED this \_\_\_\_ day of May, 2009.

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**The Honorable Sue L. Robinson**  
**United States District Judge**